

Fairfax County Police
Case #
Transcribed on November 14, 2003

GARRETT: He's getting tired, I'll told him you and I are getting tired too, um we, we've talked about a lot of stuff I guess in the last few hours, uh...

Q: Uh before we get into that, one thing that I just.

GARRETT: Absolutely, go right ahead.

Q: I was thinking, you said 152 yards on Home Depot, but then you told me you were shooting from in the trunk earlier, so which one is it?

MALVO: I'll get you to figure it out.

Q: Huh?

MALVO: I'll get you to figure it out, I can't just give everything plain, you gotta think, you gotta think the most logical place.

GARRETT: Let, let's drop whether it was in he trunk or outside, we're not gonna ask you that anymore, but you're being truthful about the distance?

MALVO: Uh-huh

GARRETT: Ok, fair enough, fair enough. I got a list of the stuff we've already talked about. Um, this is really, in fact I'm gonna (inaudible) for yours. Did this September 14th, Hillendale Beer and Wine, does that ring a bell at all, no? Aspen Hill Road on The 2nd of October, is it gonna do me any good to go through this list, just tell me now. Ok, so we've talked about a lot of things sort of around a lot of things on this list anyway, so um (inaudible) perhaps huh?

MALVO: No comment.

Q: Let me see that, what, what is that thing there?

MALVO: No comment.

Q: Come on just tell me it doesn't matter, you know what this is?

MALVO: Uh-huh

Q: What is it called?

MALVO: It's a bipod.

Q: It's a what?

MALVO: Bipod

Q: A bipod?

MALVO: Yeah

Q: What is that used, what do you mean, what is the difference, you mean like a tripod, what's a bipod?

MALVO: Stabilizer

Q: So how does that work?

MALVO: Just the way tripods work.

Q: Just sitting?

MALVO: Yeah

Q: So why, why would you set that up, uh sit a tripod on that?

MALVO: Uh, you'll figure it out later.

Q: No, no, no, you mean, give me a bipod, so what you hold the gun up with it?
Huh, did you always have to use that?

MALVO: No comment.

Q: Come on you were telling me, you've given me a lesson on guns and all that earlier, just.

MALVO: I did?

Q: Yeah, I know it doesn't matter, I'm just wondering how the gun operates that's all.

GARRETT: If I recall, I'm, I'm really basing this when I was in the military. This weapon breaks apart fairly easy doesn't it? Where you can fold it, like you were saying earlier, I mean you can do that pretty quick, ok.

Q: Is that a list what's, I haven't seen that, my eyes are bad, sorry.

MALVO: How much is on the list, number, like a number?

GARRETT: I'm sorry.

MALVO: What's the number on the list, the total number?

Q: Guess, what's the total number that you think?

GARRETT: That, that, that numbers actually not accurate because that's...

MALVO: That's, you didn't finish the uh statement.

GARRETT: Oh because that was typed a few days ago. That's why it's not accurate. That's why I didn't finish my sentence. It's close, well, I don't know if it's close, you only know if that's close.

Q: What do you think?

MALVO: I don't think about it.

Q: You asked me what the number is, I'll, I'll show it to you, what do you think? You probably know like he said so what is it?

MALVO: Yeah, I probably know, we'll, we'll leave it at that.

GARRETT: 14? Ok. It's not a statement it's a question, you only know we don't know.

MALVO: Yeah

GARRETT: Ok

Q: You don't want to go through this with us and just...

MALVO: No

Q: Help me? Alright, well I'm, I'm just, all I'm concerned about is, is the Fairfax one but I'm just looking at all these if, if you remember them, do you mind?

MALVO: If I remember them or not.

Q: You can't, I think you can, you have a great memory just from talking to you.

MALVO: I blot them out, (inaudible).

Q: Uh-huh

MALVO: Nuh, no recollection, I, I have no recollection.

GARRETT: But you have specific recollections of some of them we talked about?

MALVO: Yeah

GARRETT: You know like Home Depot, Manassas, the two in Spotsylvania, right, I mean you were pretty clear.

Q: Lawn mower man.

GARRETT: Lawn mower man, the elderly black gentleman that was standing in a crosswalk in, in D.C.

MALVO: Six, yeah that's good.

GARRETT: Uh-huh

MALVO: You should have enough, you should have enough.

GARRETT: We're just trying to understand the whole picture that's all.

MALVO: You gotta piece it together.

GARRETT: I'm sorry?

MALVO: You gotta piece it together.

GARRETT: Piece it?

MALVO: Piece it together. Put the little pieces in together.

GARRETT: Oh

Q: Here's the one you told me about when you said the shopping center where you were far away, what one was after that, do you remember? Those are the ones you told me that you did...

MALVO: I already told you, I'm going to blot them out. I don't remember nothing now.

Q: Five in two hours.

GARRETT: You remember saying that earlier?

MALVO: Uh-huh, yeah.

GARRETT: Ok

Q: You remember you're just saying you don't remember now.

MALVO: I do.

Q: Come on would you help us out, just a little bit, please.

MALVO: Uh-huh

Q: You told me about the, the guy at the shopping center.

MALVO: Uh-huh I, I, that, that, that's enough, you can, you can piece it together after that.

Q: I have you, we don't need...

MALVO: You can piece it together.

Q: I know but if, because you're honest I don't need to piece it together, you're pretty up front with us.

MALVO: Uh that's true.

Q: You are. Who was next after that one?

MALVO: I don't know.

Q: Come on.

MALVO: I'm (inaudible) I don't know.

Q: You don't remember but you told me there was 4 in, 5 in 2 hours.

MALVO: I, I don't know.

Q: Do you remember the 5 of them though? I f you name them, I can look at it here.

MALVO: Uh I can't name them, I can't name them.

Q: You, you, you said at the food store and then you said the lawn mower man.

GARRETT: If we read them off to you does that help, that's what I started to do a while ago.

MALVO: It won't help nothings, (inaudible) I won't hear you.

Q: Ok how about this, what was your farthest, the farthest shot you made? What do you think?

MALVO: I don't know, I really don't know.

Q: 100 or 200?

GARRETT: Was the Home Depot shot one of the furthest for you?

MALVO: Uh

GARRETT: You made some further then Home Depot? What was the most difficult? You don't know or you don't remember?

MALVO: If it's difficult you leave it alone.

GARRETT: I'm sorry.

MALVO: If it's difficult you leave it alone.

GARRETT: Ok and that's what you did.

MALVO: You don't plan for difficulty, you plan for ease.

GARRETT: Uh-huh, and if it was too difficult you didn't take it?

MALVO: Uh there's nothing too difficult, like if you're out there you can, your hit able. That was it. You hit everything that throw you off, everything, timing, timing between.

GARRETT: Threw off?

MALVO: Uh-huh, thinking like your thinking.

GARRETT: You ok?

Q: Do you remember a lady at the gas station?

MALVO: No

Q: Try to remember a lady at the gas station. Do you remember that one? Come on, you don't really?

MALVO: I don't.

Q: Look at me and say that. You really don't remember?

MALVO: Uh-huh

Q: Ok, which one sticks out in your mind most?

MALVO: None of them its just what you gotta do, it, its like breathing. Ok its finished, over with, then...

Q: None of them bothered you. Job to do?

GARRETT: A mission?

MALVO: It's just an objective, complete.

GARRETT: I'm sorry.

MALVO: It's just an objective.

GARRETT: Objective completed? When was the mission supposed to end?

MALVO: When you decided to end it.

Q: Oh, so we ended it I guess right?

MALVO: Uh, good job, good job.

GARRETT: Do you think we could have been a little faster?

MALVO: Yeah everybody was fighting and bickering.

GARRETT: Uh-huh, you're right, could we have saved some people's lives?

MALVO: Uh-huh, if you would have listened.

GARRETT: If we would have listened to you?

MALVO: Uh-huh

GARRETT: We would have been able (inaudible)

MALVO: Uh huh, listen, complete, it's negotiation, make both parties happy. To you it would have been ended. You could have posted on someone, then it's ended, it will never happen again, it's done.

GARRETT: Is that true, it would have never happened again?

MALVO: No more.

GARRETT: If you would have gotten paid and disappeared there...

MALVO: No more.

GARRETT: Is that right?

MALVO: Yeah that was it. No more, that's what we said, say it no more it happens when you say something, when you call for it and you don't do it, you get punished, nature punishes you.

GARRETT: Repercussions?

MALVO: Yeah

GARRETT: Yeah

Q: So you were the shooter um, the shooter on most of them and you had your spotter most of the time then?

MALVO: Did, did (inaudible) capable jobs, me if you wanted a capable job, same importance, one can't do without the other.

Q: Yeah but the shooters really the important one don't you think, I mean.

MALVO: No

Q: You have to be more steady, more you know.

MALVO: No

GARRETT: You felt like you were a time in every one of them whether you were shooting or JOHN was?

MALVO: It's a team.

GARRETT: Pardon me?

MALVO: It's a team, a team, team, team.

Q: You couldn't do it without him as your spotter?

MALVO: You could do it with someone else, just, doing the same thing. Would I find someone else, take me a long time.

GARRETT: Because of the trust and the bond, you guys think a like?

Q: Were you ever a spotter? I mean does that take any talent to be a spotter?

MALVO: Uh-huh because of what you do.

Q: I mean to be the shooter, you know to shoot you have to be able to shoot, you have to be a pretty proficient, I mean a, a spotter does it take talent to be the spotter?

MALVO: Takes talent, you don't put any waves between any. Anyone is more important, that just means disunity to the faction. As I said everyone has an important job.

Q: Well when people have uh jobs like, like we have teams that work around here. Some people are better at one thing, some people are better at another thing and is that the way you guys worked or sometimes?

MALVO: We (inaudible) everything.

Q: You just did, you both capable of both things?

MALVO: If you're not capable, it's gonna face you and you're gonna fail.

Q: In talking it seems like you, you did, you did most of the shootings.

MALVO: Uh huh

Q: Is he not as good as you or?

MALVO: Do not mistake yourself.

Q: What do you mean?

MALVO: Remember when I told you, remember the first statement I told you when you asked me a question pertaining to him, I strive to be like him.

Q: Yeah he, he's really that good?

MALVO: Uh-huh

Q: I think you are, if, if most of the ones we talked about where, where he was the spotter.

MALVO: It's just, we just (inaudible). That's it. We are both capable, we don't keep anything from anyone.

Q: When, when he, if...

MALVO: If I know something (inaudible)

Q: Did, did he shoot any, around here?

MALVO: Can't tell you.

Q: Alright, how about this, did he ever, what, what was his like favorite target. You know like what part of the body is there any like special favorite or?

MALVO: Uh we don't keep, I told you keep specialties out of it. It's gonna hold you down. You just go with what you have to do. You have to be able to adapt. Specialties they don't work.

Q: Well if you had your choice, if he had his choice.

MALVO: Personally?

Q: Personally.

MALVO: My choice?

Q: Your choice, what, what part of the body?

MALVO: It's all, it all depends on the motion of the person. That's what it depends on, motion of the person.

Q: Not ahead of time, when you're getting ready and you think, ok, I'm gonna you know, go to Home Depot, but I think you know I want to take a head shot or I want to take a body shot?

MALVO: That's just added pressure, you just go and take the shot.

Q: How long ahead of time do you know who's gonna do the shooting?

MALVO: It's all planned.

Q: I know in the planning stages, is it planned that, that, um, you may do it or he may do it, or is it planned you know I mean.

MALVO: No it's planned.

Q: Uh so you don't deviate from that plan, if, if, if LEE'S gonna take the shot, he, no matter what he's gonna do the shooting?

MALVO: Don't deviate, you don't deviate from your plan.

Q: Even if...

MALVO: You have to adapt.

Q: You don't feel that well or anything?

MALVO: You don't deviate, there's no room for you not to feel well. So I take vitamins and minerals. There's no reason for me to get sick. There's no reason for me to fall (inaudible) on the battlefield. Your soldiers are strong, they're not ill, they're sharper (inaudible)

GARRETT: Are one of you a higher rank then the other? It, its an equal army? Equal decisions?

MALVO: Some has more and some has more knowledge but, when it comes down to it, it's a board decision.

GARRETT: Joint.

MALVO: Uh-huh cause if you leave your soldiers out of it, certainly gonna be in trouble.

GARRETT: Right so before you would go to let's just say for example Home Depot, you would decided before hand who was gonna do what?

MALVO: It was planned, beginning, it was planned.

GARRETT: And you never changed those plans because there wasn't any reason to?

MALVO: You don't change, you don't change. Its not like you're sticking the wheels in the ground, but you just don't change.

GARRETT: Uh-huh

MALVO: Don't change, why change before you plan you win the battle, before you go in you know it's gonna work.

GARRETT: Sure, sure, but sometimes as you well know in battles you have to adapt cause the enemy changes.

MALVO: Uh-huh they are people, they can change.

GARRETT: Right

MALVO: You, you change a lot. We watched you. We change when you change.

GARRETT: You adapted to us or (inaudible).

MALVO: Yeah, you adapted to us then we adapted to you.

GARRETT: Uh-huh

MALVO: Punch for punch.

GARRETT: But the enemy pretty much stayed the same.

MALVO: Uh-huh

GARRETT: They're just out there doing there thing.

MALVO: Constant.

Q: And so back to Home Depot, I know, I'm like a broken record, 152 yards away.

MALVO: 46 paces, 100 yards.

Q: Pardon me?

MALVO: 46, between 46 to 48 paces, 100 yards.

GARRETT: How do you know for example that shots that far?

MALVO: Calculation, calculation.

GARRETT: Calculation, ok.

Q: Um but you originally told me...

MALVO: Yeah, you can know by the parking lot. I get important whether I can guess-to-mate it. I'm usually correct, maybe 10 or 12 yards off, at the most, but you can guess-to-mate it, guess-to-mate it's 350 leave it alone. Put the scope on, why?

GARRETT: No need for it.

MALVO: No need for it, you're not going after a specific person.

GARRETT: just as long as you hold the weapon steady obviously. Lean it on something, on a bipod right, that, that makes a big difference.

MALVO: It serves the purpose. It did what it was made for.

GARRETT: What's that?

MALVO: Everything, they just serve their purpose. They just took and just put them in their slots, slot, slot, slot, slot, slot, check.

Q: At Home Depot you originally told me you were in the trunk?

MALVO: No you assumed I was in the trunk.

Q: Oh you didn't tell me that?

MALVO: I never said I was in the trunk.

Q: Oh so you weren't in the trunk right?

MALVO: Now you're assuming I'm not in the trunk.

Q: You told me after you shot you walked down the steps?

MALVO: Yeah I walked down the steps, so you gotta come to a conclusion, right?

GARRETT: So you're being truthful about the steps?

MALVO: I'm truthful about everything, there's no reason for me to lie.

Q: Did you leave the gun...

MALVO: Don't tell you the truth, then deceive you.

Q: Did you leave the gun there on that Home Depot shooting?

MALVO: No reason to.

Q: You, you took it with you?

MALVO: No you always leave it somewhere.

Q: Pardon me?

MALVO: You always leave it.

GARRETT: You know early, early on in this case, as you well know because it was all over the news, there was a lot of talk about white vans and box trucks.

MALVO: Hee, hee, hee, hee, hee.

GARRETT: We just ran up the wrong tree, right?

MALVO: Aahhaahh

GARRETT: That was pretty funny wasn't it?

MALVO: No it wasn't funny you just did what we wanted you to do.

GARRETT: I'm sorry.

MALVO: You did what we wanted you to do. Once you locked onto a vehicle, we made sure that vehicle was there. Made sure we were around them. People are just gonna lock into them.

GARRETT: Oh so that you, you would drive, because I presume you (inaudible) spots.

MALVO: (inaudible)

GARRETT: Oh I'm sure, sure, so you would use the same car for all of these, virtually?

MALVO: Yeah, if we had to, we could change.

GARRETT: Well I understand, but then you just used because we kept talking about box trucks and vans you'd then find...

MALVO: Yeah

GARRETT: Setting that had box...

MALVO: Find locations that had box trucks and vans.

GARRETT: Was, was real easy to find wasn't it?

MALVO: Yeah, oh yeah.

GARRETT: Yeah, they're all over the place.

MALVO: Give them a box truck that's what they want, give them a box truck.

People are just gonna lock into box trucks, box truck, box truck.

GARRETT: And as you well know, we kept repeating it.

MALVO: And the box truck drivers kept, I bet you always looking for a box truck. I know at some point that had to know it wasn't a box truck. It was there, the percentage and all. And the box trucks card we stayed away from box trucks. When we were close to box trucks took a pit stop. When we'd spot him, he's up there, he's up there, he's up there, box truck move. Box trucks super roger, they said he's in a box truck, we seen guys came out and just stood up, just stood up, took him down, like damn they're pissed, man they were pissed, and they got pisster, if that's such a word.

Q: And um after that um Spotsylvania shooting did you, did you hang down there or did you come through the area?

GARRETT: Do you remember, you don't remember?

MALVO: I choose not to remember.

GARRETT: Ok do you remember one in particular that you hung at, that you sat and watched us or talked to the police or?

MALVO: I spoke to them all the time, all the time. You need to know what they're thinking. You hear in their voices and in the eyes.

GARRETT: That's right.

MALVO: You know what they're thinking body reactions, watch them. Body reactions they're universal, every language, the same, people just like laugh, it's a laugh any where you go, a cries a cry everywhere you go. Certain things we all do.

GARRETT: Did, did you ever end up, when you were driving through these roadblocks. Did you end up just chitter chatting with people that were stopped in traffic too?

MALVO: Yeah

GARRETT: Put the window down and talk to them?

MALVO: Watch DVD, eat some raisins, I could ask for raisins since I, since I know I won't get any raisins. I know it. I think it's the wine effect. It gets you hyperactive they say.

GARRETT: You were running DVD'S in the car?

MALVO: Oh yeah

GARRETT: Movies?

MALVO: Oh yeah, surround sound.

GARRETT: Cool, what were you watching?

MALVO: When We Were Soldiers.

GARRETT: I'm sorry.

MALVO: When We Were Soldiers, The Last Castle, Matrix.

GARRETT: You have copies of all those?

MALVO: Uh-huh, you found that in the bag. Didn't you look at all the, make sure that, someone is studying all the things I had all the things I had in there. Flight simulator in there was nice (inaudible).

GARRETT: So was that to, to kill, kill time at the, at the roadblocks you'd watch movies?

MALVO: Yeah, up there, I was up to the Lear jets. It's good.

GARRETT: Were you. Well however you left Home Depot in whatever you left in, which way did you go?

MALVO: Oh boy wrapped you around the noose threw you out. Just left you out there in the blue when your enemy is fortified.

GARRETT: What do you mean?

MALVO: When your enemy is fortified, you lose it there.

GARRETT: I'm sorry.

MALVO: When your enemy is fortified, you ~~lose~~ lose it there. To not lose the enemy, the element of surprise, you deceive them, we deceived you.

GARRETT: No, I, I realize you did and you did a good job of it, on that one did you stay there or did you drive off?

MALVO: I drive off and came back when I knew you were gonna be there, took you about 10 minutes to get there.

GARRETT: Uh-huh so you came back...

MALVO: (inaudible) we could have escaped out of there. A lot of arrogance because deception. We didn't deceive you but (inaudible). No problem, (inaudible) the snipers you know what to do. Stay away from the crack soldiers.

End of Tape 3.

Secretary: Jamie L. Kordes